

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FRANK NELSON,

Defendant.

No. CR 12-2024

**ORDER REGARDING
MAGISTRATE'S REPORT AND
RECOMMENDATION
CONCERNING DEFENDANT'S
GUILTY PLEA**

I. INTRODUCTION AND BACKGROUND

On August 22, 2012, a twelve-count Indictment was returned against the defendant Frank Nelson and others. On July 1, 2013, the defendant appeared before United States Magistrate Judge Jon S. Scoles and entered a conditional plea of guilty to the lesser-included offense in Count 1 of the Indictment. On July 1, 2013, Judge Scoles filed a Report and Recommendation in which he recommended that the defendant's conditional guilty plea be accepted. On July 2, 2013, the parties filed a Waiver of Objections to the Report and Recommendation. The court, therefore, undertakes the necessary review of Judge Scoles's recommendation to accept the defendant's conditional plea in this case.

II. ANALYSIS

Pursuant to statute, this court's standard of review for a magistrate judge's Report and Recommendation is as follows:

A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.

28 U.S.C. § 636(b)(1). Similarly, Federal Rule of Civil Procedure 72(b) provides for review of a magistrate judge's Report and Recommendation on dispositive motions and

prisoner petitions, where objections are made, as follows:

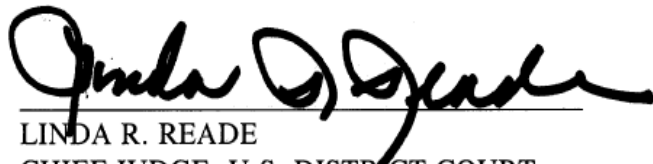
The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.

Fed. R. Civ. P. 72(b).

In this case, no objections have been filed, and it appears to the court upon review of Judge Scoles's findings and conclusions that there is no ground to reject or modify them. Therefore, the court **accepts** Judge Scoles's Report and Recommendation of July 1, 2013, and accepts the defendant's conditional plea of guilty in this case to the lesser-included offense in Count 1 of the Indictment.

IT IS SO ORDERED.

DATED this 2nd day of July, 2013.



LINDA R. READE
CHIEF JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA